
APPENDIX A

CURRICULUM VITAE OF STUDY'S AUTHOR

Hal L. Poret

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Education

- 1998 Harvard Law School, J.D., *cum laude*
- Editor/Writer – Harvard Law Record
 - Research Assistant to Professor Martha Minow
- 1995 S.U.N.Y. Albany, M.A. in Mathematics, *summa cum laude*
- Statistics
 - Taught calculus/precalculus/statistics
- 1993 Union College, B.S. in Mathematics with honors, *magna cum laude*
- Phi Beta Kappa
 - Resch Award for Achievement in Mathematical Research

Employment

- 2004 - Senior Vice President, ORC International (formerly Guideline)
- Designed, supervised, and analyzed over 350 consumer surveys, including Trademark, Trade Dress, Advertising Perception, Fraud/Consumer Deception, Claims Substantiation studies, Damages, and Corporate Market Research Surveys
 - Provided expert testimony at deposition and/or trial regarding survey research in over 40 U.S. District Court litigations and proceedings in front of TTAB, NAD and the FTC.
 - Review and comment on third party surveys
- 2003 – 2004 Internet Sports Advantage
- Developed and marketed proprietary internet sports product, and licensed trademark and intellectual property rights.
- 1998 – 2003 Attorney, Foley Hoag & Eliot, Boston, MA
- Represented corporations and individuals in trademark, trade dress, advertising, product, and related legal disputes.
 - Worked with survey experts in developing and using surveys as evidence in trademark, trade dress and advertising disputes.
 - Advised clients in the selection, adoption, use, licensing, and protection of trademarks/trade dress; represented clients in trademark/trade dress litigations, administrative proceedings before the Trademark Trial and Appeal Board and United States Patent and Trademark Office, and domain name proceedings under the Uniform Domain-Name Dispute-Resolution Policy.

Testimony at Trial or by Deposition

2011	My Favorite Company v. WalMart	USDC Central District of CA
2011	Merck Eprova v. Brookstone	USDC Southern District of NY
2011	Wella, Inc. v. Willagirl LLC	USDC Southern District of NY
2011	Bauer Bros. v. Nike	USDC Southern District of CA
2011	Aviva Sports v. Manley	USDC District of Minnesota
2011	American Express v. Black Card LLC	USDC Southern District of NY
2011	Gosmile v. Dr. Levine	USDC Southern District of NY
2010	Nat'l Western Life v. Western Nat'l Life	USDC Western District of TX
2010	3M v. Mohan	USDC District of Minnesota
2010	Active Network v. EA Sports	USDC Central District of CA
2010	FIJI Water Co. v. FIJI Mineral USA	USDC Central District of CA
2010	Hansen Beverage v. CytoSport	USDC Central District of CA
2010	PeoplesBank v. People's United Bank	USDC District of CT
2010	Don Henley v. Charles Devore	USDC Central District of CA
2010	Pegasus v. Allscripts	USDC Middle District of FL
2010	Jelmar, Inc. v. Zep Commercial	USDC Northern District of IL
2010	Dollar Bank v. Emigrant Bank	USDC Western District of PA
2009	LG Electronics v. Whirlpool	USDC District of DE
2009	Farberware v. Meyer Marketing	USDC Southern District of NY
2009	NEC v. Ampad	USDC Southern District of NY
2009	GAP Inc. v. G.A.P. Adventures	USDC Southern District of NY
2009	Lumber Liquidators v. Stone Mntn	USDC Eastern District of VA
2009	CytoSport v. Vital Pharmaceuticals	USDC Eastern District of CA
2009	REDC v. NHA	USDC Southern District of CA

2008	1800Contacts v. Lens.com	USDC District of UT
2008	Tokidoki v. Fortune Dynamic	USDC Central District of CA
2008	Brighton Collectibles v. Dynasty	USDC Southern District of CA
2007	Johnson & Johnson v. Perrigo	USDC Southern District of NY
2007	Johnson & Johnson v. Actavis Group	USDC Southern District of NY
2007	M.D. Skincare v. Bare Escentuals	USDC Southern District of NY
2007	Doctor's Associates v. QIP Holders	USDC District of CT
2006	S.C. Johnson v. BuzzOff Insect Shield	USDC Middle District of NC
2006	Wenger Corp. v. Stadium Chair	USDC Western District of TX
2006	Wenger Corp. v. Melhart Music	USDC Eastern District of TX
2006	Electrolux Home Care v. IMIG, Inc.	USDC Eastern District of NY

Presentations

Measuring Consumer Confusion Through Online Surveys (2011 Midwest IP Institute) (September, 2011)

Online Surveys as Evidence in Trademark Disputes (International Trademark Association Annual Conference, May 2011)

Managing Intellectual Property Trademark Roundtable (April 7, 2010)

Recent Trends in Trademark Surveys (Virginia State Bar Intellectual Property Conference, October 2009)

Trademark Surveys in US Litigation (presentation for International Trademark Association Annual Conference) (May 2009)

How to Conduct Surveys for use in Trademark Disputes (Practicing Law Institute Advanced Trademark Law Conference) (May 2009)

Trademark and Advertising Perception Studies for Legal Disputes (Opinion Research Corporation Seminar, June 2008)

Understanding Advertising Perception Surveys (Promotions Marketing Association Annual Law Conference) (November 2007)

Designing and Implementing Studies to Substantiate Advertising Claims (American Conference Institute Claims Substantiation Conference, October 2007)

Surveys in Trademark and False Advertising Disputes (InfoUSA Webinar, June 2007)

Measuring Consumer Perception in False Advertising and Trademark Cases, (multiple presentations) (2007)

Potential Errors to Avoid In Designing a Trademark Dilution Survey (American Intellectual Property Association paper, April 2007)

Consumer Surveys in Trademark and Advertising Cases (presentation at Promotions Marketing Association Annual Law Conference) (December 2006)

Use of Survey Research and Expert Testimony in Trademark Litigation, (International Trademark Association Annual Conference, May 2006)

Survey Research as Evidence in Trademark/Trade Dress Disputes (multiple presentations) (2006)

Using Surveys to Measure Secondary Meaning of Trade Dress, Legal Education Seminar, Boston, April 2006

Publications/Papers

A Comparative Empirical Analysis of Online Versus Mall and Phone Methodologies for Trademark Surveys, 100 TMR 756 (May-June 2010)

Recent Trends in Trademark Surveys (paper for Virginia State Bar Intellectual Property conference, October 2009)

Trademark Dilution Revision Act breathes new life into dilution surveys (In Brief PLI website, June 2009)

The Mark (Survey Newsletter; three editions 2009)

Hot Topics in Trademark Surveys (paper for Practicing Law Institute Advanced Trademark Law Conference) (May 2009)

The Mark (Survey Newsletter, 2008)

Trademark and Advertising Survey Report (Summer 2007)

Avoiding Pitfalls in Dilution Surveys under TDRA (AIPLA Spring Conference, Boston, May 2007)

Commentary

Comment on Hotels.com case (on TTABLOG.COM, July 24, 2009)

Comment on Nextel v. Motorola (on TTABLOG.COM, June 19, 2009)

PLI All-Star Briefing Newsletter, "What does the Trademark Dilution Revision Act mean for the future of Dilution Surveys?" (June 2009)

Can I Get By Without a Survey, Managing Intellectual Property (May 2009)

Professional Memberships/Affiliations

Senior Research Fellow at McCarthy Institute of IP and Technology Law's Center for Empirical Research in trademark Law

Council of American Survey Research Organizations

International Trademark Association

Promotions Marketing Association

National Advertising Division of Council of Better Business Bureaus